

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

THE STATE OF LOUISIANA, By and
through its Attorney General, Elizabeth B.
Murrill;
THE STATE OF KANSAS, By and through
its Attorney General, Kris W. Kobach;
THE STATE OF OHIO, By and through its
Attorney General, Dave Yost; and
THE STATE OF WEST VIRGINIA, By and
through its Attorney General, John B.
McCuskey

Plaintiffs,

vs.

UNITED STATES DEPARTMENT OF
COMMERCE; JEREMY PELTER, in his
official capacity As Acting Secretary of
Commerce;
BUREAU OF THE CENSUS, an agency
Within the United States Department of
Commerce; and
ROBERT L. SANTOS, in his official
Capacity as Director of the U.S. Census
Bureau

Defendants.

Case No.: 6:25-cv-0076-DCJ-DJA

Judge David C. Joseph
Magistrate Judge David J Ayo

DECLARATION OF ERICA SMITKA

My name is Erica Smitka. I am over the age of 18 and fully competent to make this declaration. I am submitting this affidavit in support of the Motion to Intervene submitted by the League of Women Voters ("LWV"), the League of Women Voters of New York State ("LWVNYS"), and the League of Women Voters of Florida. Under penalty of perjury, I declare the following:

Personal Background

1. I am both a member and the current Executive Director of the League of Women Voters of New York State (“LWVNYS”). I have served as the Executive Director of LWVNY since 2024 and have been a member since 2022. As the Executive Director of LWVNYS, I oversee and coordinate the activities of LWVNYS on a statewide level.
2. I reside in Albany, New York. I have lived there for eight years. I have been registered to vote in New York since 2008. I have voted in every election since returning to the State of New York in August 2016.

League of Women Voters of the State of New York

3. LWVNYS is a nonpartisan, nonprofit, grassroots, community based, membership organization. LWVNYS is a state affiliate of the League of Women Voters, a national organization founded in 1920. LWVNYS has several thousand dues-paying members and 42 local chapters throughout the State of New York, and an even greater number of supporters, all of whom receive regular communications from the LWVNYS. LWVNYS is powered by our members and volunteers. In total, LWVNYS has only three full-time paid staff members and one part-time staff member.
4. In LWVNYS’s approximately 105 years of existence, it has stood for safeguarding and enhancing our democracy and for fair and equitable representation for the people of New York. Over the years, LWVNYS has worked toward achieving these goals through a combination of education, advocacy, mobilization and litigation.
5. Over the years, we have furthered our mission through efforts that have included campaigning and advocating for the voting rights of classes of voters traditionally discriminated against in voting; eliminating barriers to voting for all of the state’s registered voters;

fairly apportioning districts on the basis of total population; redistricting districts in New York without the taint of racial or partisan gerrymanders; and ensuring that disenfranchised incarcerated people are fairly and appropriately counted and reapportioned.

6. As part of LWNYS's ongoing effort to ensure all of New York's residents have fair representation, along with partner organizations, LWNYS filed amicus briefs challenging the inclusion of a citizenship question on the 2020 Census. The briefs were filed at both the district court level and at the U.S. Supreme Court. Along with this litigation, LWNYS participated in the League's national effort to activate our grassroots network in a successful engagement campaign in 2018 to raise awareness about the damaging effects a citizenship question would have in New York and across the country.

Defending an Apportionment Count Based on Total Population

7. LWNYS and its members will be harmed if Plaintiffs prevail in their challenge to the longstanding, well-established practice of conducting an apportionment count based on total population. As various studies have shown, the State of New York has a disproportionately high number of undocumented persons and non-immigrant visa holders. Consequently, there is a significant risk that our members will have less representation in Congress and the Electoral College if Plaintiffs prevail in their suit.
8. Preserving an apportionment count based on total population is crucial to the LWNYS's work of protecting and strengthening the country's representative democracy. The courts have never held that citizenship, permanent residence, or authorized residence is a requirement for being counted in the Census, and it is the position of LWNYS that apportionment must continue to be based on the total population to protect our representative democracy.

9. Including a citizenship question on the Census, which is part of the remedy the Plaintiffs seek in this case, will have the effect of undermining the accuracy of the Census in New York, where many immigrants are understandably concerned about having to share information about their immigration status. For this reason, including immigration related questions on the Census will impede the mission of LWVNYS by interfering with our ability to empower the State's voters and defend our shared democracy, a goal which can only be achieved through complete counts and equitable representation in legislative bodies.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 8, 2025:



Erica Smitka
Executive Director
League of Women Voters of New York State